

## REMARKS

Claims 3-7, 16-20, 29-33, 41 and 42 are pending and under consideration. Claims 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 29, 30, 31-33, 41, and 42 have been amended.

On page 2 of the Office Action, claims 3-7, 16-20, 29-33, 41, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0062244 (Brady) in view of U.S. Patent Publication No. 2003/0055707 (Busche).

Brady discloses an apparatus that collects information about an advertisement, selling, sales promoting, or educational campaign. The apparatus also collects information regarding capacity of various locations, characteristics of locations, and users of the locations. According to Brady, collected information may be utilized for negotiating a contract amount for holding such a campaign.

Busche is directed to a method and system for ascertaining a favorable positing of products within a retailer shop space. The locations of products in a retail space are determined with a position identifying system, such as a global positing system, a local positioning system, or an enhanced global positing system when the products are stocked within the retail space. The paths of customers through the retail space are also determined with the position identifying system. These paths may be sensed and recorded with a device that stores a position identifier broadcast by the position identifying system. Customers may be identified based on financial transaction databases or other identifying data. The products chosen for purchases by the customers are identified, and the locations of the chosen products within the retail space are associated with the paths of the customers through the retail space to form a set of spatial relationships.

In the present invention, a behavior data generation unit generates behavior data from an aggregate of place (facility) data inputted from the place data acquisition unit. Behavior data includes data in which information about facilities visited by a specific user, the visiting order, and behavior undertaken by the user are described. See specification of the present invention, page 22, lines 9-15. When obtaining both the behavior data and a calculated fee, the fee collection unit transmits the behavior data and presents the fee to a requesting enterprise and collects the fee from the enterprise that has purchased the data. See specification of the present invention, page 23, lines 6-11.

Applicants respectfully submit that independent claims 3-7, 16-20, 29-33, and 41-42 are patentable over the references, as neither of the references, alone or in combination, discloses

or suggests, "a behavior data generation unit generating behavior data from an aggregate of place data, said behavior data including data relating to facilities visited by a specific user, a visiting order, and user behavior undertaken at said facilities," as recited in claim 3, for example.

In contrast to the present invention, Brady simply discloses a presenter fee charged for a presenter's service. Although Busche discloses acquiring a history of behavior of a user, Busche does not generate behavior data in the manner of the present invention. That is, in contrast to the present invention, Busche does not generate behavior data relating to facilities visited by a specific user, a visiting order, and user behavior undertaken at a facility as in the present invention.

Moreover, Busche's fee collection is related to when a use visits a corresponding place. In contrast to Busche, in the present invention, behavior data is transmitted to a requesting enterprise and a fee is collected from the requesting enterprise in response to the transmission of the behavior data.

In light of the foregoing, Applicants respectfully submit that independent claims 3-7, 16-20, 29-33, and 41-42 are patentable over the cited combination of references, as neither of the references, alone or in combination, discloses or suggests the above-identified features of the claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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